

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

JIANGUO HAN,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00330

WARDEN,

Defendant.

ORDER

Pending are Jianguo Han’s Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody and Memorandum in Support [Docs. 1, 2], filed on June 9, 2021. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). [Doc. 4]. Magistrate Judge Aboulhosn filed his PF&R on March 11, 2024. [Doc. 7]. Magistrate Judge Aboulhosn recommended that the Court dismiss as moot the Petitioner’s 28 U.S.C. § 2241 for Writ of Habeas Corpus Petition and Memorandum in Support and remove it from the docket. [*Id.*]. The PF&R provides that Mr. Han was released on February 1, 2023, and that “by virtue of Petitioner’s release from custody, the Respondent can no longer provide the requested relief.” [Doc. 7 at 2].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s


right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 28, 2024. [Doc. 7]. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [Doc. 7], **DENIES AS MOOT** the Petitioner’s Petition and Memorandum of Support [Docs. 1, 2], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: April 9, 2024




Frank W. Volk
United States District Judge

¹ On March 25, 2024, a notification of “Mail Returned as Undeliverable” was filed denoting that the Proposed Findings and Recommendations sent to Jianguo Han at FCI Beckley was returned. Specifically, the mail was not resent because Mr. Han was released on February 1, 2023, and no address was available. [Doc. 8].